

Chapter 2

Executive Summary

2.1 Introduction

2.1.1 Project Location

The Proposed Project would result in the construction of an interchange/access road from Highway 50 directly to the Shingle Springs Rancheria (Rancheria) located approximately nine miles west of Placerville, between the Shingle Springs Drive and Greenstone Road interchanges in El Dorado County (**Figures 1-1 and 1-2**).

2.1.2 Alternatives Considered

Two alternative designs ~~are being~~were considered for the Proposed Project. Both of the alternatives ~~being considered~~ will provide direct access to and from the Rancheria via eastbound and westbound on- and off-ramps. The first alternative design – the “Flyover Design” – uses a loop off-ramp in the eastbound direction (**Figure 2-1**). Vehicles exiting the freeway in either the eastbound or westbound direction will travel unimpeded by signals to the Rancheria boundaries. This alternative design would provide diagonal ramps for westbound movements, and direct connector ramps for eastbound movements. The second alternative design – the “Diamond Design” – is a diamond interchange located at the same location as the first alternative (**Figure 2-2**). Each on- and off-ramp under this design would include a controlled intersection directing vehicular traffic to the Rancheria. Each design alternative would include the construction of an eastbound auxiliary lane that would extend from the new interchange to the existing Shingle Springs Drive interchange (**Figure 2-3**).

Both of the design alternatives ~~evaluated~~include an undercrossing at Artesia Road. Artesia Road is a private road immediately south of the existing Rancheria that provides access to 2 residences located between the Rancheria and the freeway. The proposed grade separation would preclude a future connection of Artesia Road to the interchange.

The entire interchange (under both design alternative) will be constructed within the Caltrans right-of-way (ROW) and a 5-acre parcel connecting the Caltrans ROW with the Rancheria. Approximately 4-acres of Caltrans ROW will be needed for the project. Therefore, the entire project site is approximately 9-acres in size. In addition to the above two design alternatives, the EIR/EA ~~will also~~address the No Project/Action Alternative as mandated by CEQA and NEPA. The No Project/Action Alternative assumes that no interchange, or other direct

Figure 2-1 Flyover Interchange Geometrics

Figure 2-2 Diamond Interchange Geometrics

Figure 2-3 Eastbound Aux Lane Geometrics

access, is provided to the Rancheria. The other assumption under the No Project/Action Alternative is that the Shingle Springs Rancheria will not build out with planned land uses.

2.2 Issues To Be Addressed And Potential Areas Of Controversy

In accordance with Section 15082 of the CEQA *Guidelines*, Caltrans circulated a NOP on July 5, 2001, for a 30-day review period. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to inform responsible agencies and the public that the Proposed Project could have significant effects on the environment and to solicit their comments. The NOP and comment letters in response to the NOP are presented in **Appendix B**. Additionally, the BIA circulated a ~~joint-lead agency~~ notice in December of 2001. This notice alerted the public, local, state, and federal agencies and other interested parties that the BIA was assuming a ~~joint~~-lead agency role because the proposed interchange is essential to relieving the landlocked status of the Rancheria. The notice included a statement that the proposed interchange has been made part of the Indian Reservation Roads (IRR) system, jointly administered by the Federal Highway Administration and the BIA. The notice was distributed to mailing list used by Caltrans for the NOP, plus those who commented during the 30-day review period. The notice and comment letters received in response to the notice are also presented in **Appendix B**.

The following environmental resources were found to have the potential of being significantly affected by the Proposed Project and have been addressed in greater detail in the ~~Draft~~-EIR/EA.

- Land Use Consistency and Compatibility
- Geology and Soils
- Transportation/Circulation
- Air Quality
- Noise and Vibration
- Biological Resources
- Visual Resources
- Socioeconomics
- Cultural Resources
- Hazardous Materials
- Water Quality
- Drainage

As part of the BIA's obligation under the Federal Lands and Highways Program, 23 U.S.C. 204(a), and P.L. 93-638 [25 U.S.C. 450], the BIA consulted with the Tribe and Tribal Council during the preparation of the Shingle Springs Band of Miwok Indians Amended Transportation Plan and later conducted a public hearing on February 19, 2002, to consider public concerns with regard to designation of the proposed interchange as part of the federal highway system and construction of the interchange project. Notice of the hearing was provided to the public by mail, and by publication, and over 100 non-tribal members of the public attended the hearing conducted on the Rancheria (**Appendix B**).

As part of its supervision obligations pursuant to 23 U.S.C. 204(a), the BIA also took testimony at the same hearing (February 19, 2002) to ensure that the proposed interchange project met the Sacramento region's air quality conformity guidelines. The Clean Air Act requires that agencies of the federal government who are proponents of projects located within non-attainment areas demonstrate that the project will comply with the mobile sources budget in the state's implementation plan, 42 U.S.C. 7506. Because the interchange project is located within an ozone non-attainment area, the BIA was required to demonstrate that the project will not exceed the mobile source emissions budget contained within California's state implementation plan for the metropolitan planning area under the jurisdiction of the Sacramento Area Council of Governments (SACOG), 42 U.S.C. 7511. In compliance with this requirement, the BIA held a hearing February 19, 2002, to determine whether the project conformed with this mobile sources budget (**Appendix B**).

On March 12, 2002, the Regional Director of the BIA advised SACOG of its finding that the project complied with the transportation conformity requirements, pursuant to 40 CFR Part 93 (**Appendix B**). On April 16, 2002, SACOG stated that the project was incorporated into its baseline budget and that no further action was required (**Appendix B**). ~~One issue to be resolved is the listing of the interchange project in the Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program (MTP/MTIP). The interchange project must be in the MTP/MTIP for Caltrans to approve the project, and for the California Transportation Commission (CTC) to allow the "break in access" along Highway 50. To date, the Sacramento Area Council of Governments (SACOG) has included this project in their amendment process; however, final inclusion of the project into the MTP/MTIP cannot be made until either a regional air quality conformity analysis is undertaken and approved by SACOG, or a project level conformity analysis is undertaken and approved by the relevant governmental agency.~~

The area of controversy for the interchange project does not have to do with the interchange project per se. The construction of the interchange would allow free and open access to the

Rancheria which currently experiences limited access. This open, unfettered access to the Rancheria will allow the Tribal Government to develop a hotel and gaming facility within the confines of the 160-acre Rancheria. This hotel and gaming facility project has recently been considered by the National Indian Gaming Commission (NIGC) under the NEPA process. The NIGC has issued a Finding of No Significant Impact (FONSI) that will allow for construction once the interchange project is approved.

Several commenters claim that the hotel and gaming project is an element of this interchange project, and the environmental effects of that project need to be considered as a direct project impact. As discussed below, the hotel and gaming project is not considered an element of this project description; however, the effects of the hotel and gaming facility are considered a growth inducing/indirect impact. The growth inducing/indirect impact analysis for the hotel and gaming facility is incorporated by reference from the Final Environmental Assessment approved by the NIGC, and is presented in Chapters 6.0 and 9.0 of the Draft EIR/EA, respectively.

2.2.1 Project Description

Several NOP commenters raised the issue of the proposed Rancheria hotel and casino project and the assertion that it should be a component of the project description for purposes of this environmental review. The proposed hotel and casino is a separate project proposed for the southwest corner of the existing Rancheria. This project, consistent with Rancheria land use designations, was considered by the National Indian Gaming Commission (NIGC). The NIGC is a federal agency whose powers include overseeing gaming development and operation on Indian property. The NIGC's discretionary action for the hotel and gaming project included approval of the Gaming Management Contract between the Tribal Government and Lakes Gaming/Kean Argovitz Resorts. The foreseeable consequence of approval of the Gaming Management Contract includes the construction and operation of the hotel and casino; therefore, NEPA compliance was required. The NIGC approved a Finding of No Significance Impact (FONSI) for the hotel and casino project in January, 2002. The EA developed for the hotel and casino project included the construction and operation of an interchange at the location of the project site under consideration for this Draft EIR/EA.

The project description covered under this Draft EIR/EA is for the proposed interchange that would allow for access to the Rancheria. As shown in Chapter 3.0 of this document, the interchange is needed with or without the proposed hotel and casino project. The focus of this Draft EIR/EA is on constructing an interchange to provide access to the Rancheria. The foreseeable consequence of this interchange is the recently approved hotel and casino project

located on the southwest corner of the Rancheria. The hotel and casino issues are indirect effects of the interchange project, not as a component of the project description. Information from the recently approved hotel and casino environmental assessment is incorporated by reference into this Draft EIR/EA. Please see Chapters 6.0 and 9.0 for the discussion of growth inducing and indirect effects.

By incorporating by reference and tiering from the NIGC EA and FONSI, the [lead agenciesBIA](#) recognizes that an agency with jurisdiction has evaluated on-reservation environmental impacts in a manner which does not impinge on Tribal sovereignty, as would be the case were a State agency to attempt to regulate on-reservation impacts.

2.2.2 Alternatives

NOP commenters stated that the Draft EIR/EA should address providing access to the south side of Highway 50, and should address an alternative that includes relocation of the project. The purpose of the Proposed Project is to provide open access to the Rancheria, which is located on the north side of Highway 50. Addressing an alternative that provides access to the south side of Highway 50 does not meet the project objectives stated in Chapter 3 of this Draft EIR/EA. Moreover, the environmental effects of providing access to the south side of Highway 50 would be greater than under the Proposed Project. Therefore, this alternative need not be considered within the context of this environmental document.

Relocating the interchange to a different location would not result in either attainment of the project objectives, nor would it reduce the environmental effects of the Proposed Project. An alternative interchange location that does not provide access to the existing Rancheria would not meet any of the project objectives; therefore, need not be considered within this Draft EIR/EA. Please see Chapter 3 for a discussion of alternatives eliminated from consideration.

Another issue regarding the need to consider a smaller hotel and gaming facility as an alternative was raised during the NOP comment period. The hotel and gaming facility is not an element of the Proposed Project considered in this document; therefore, alternative sizes need not be considered.

2.2.3 Shingle Springs Hotel And Casino

Several commenters presented information regarding the environmental effects of the hotel and gaming project that will be located on the existing Rancheria. As mentioned above, the hotel and gaming facility is not an element of the interchange Project Description. The hotel and casino is treated as a growth inducing/indirect effect of this interchange project for

purposes of this environmental review. The various comments presented for the hotel and gaming facility were considered by the NIGC and BIA in the development of the Final EA. Information from the Final EA has been incorporated by reference into this Draft EIR/EA and is presented in Chapters 6.0 and 9.0.

2.2.4 Traffic

Comments were provided that focused on the traffic model used, El Dorado County Measure Y, trip generation assumptions, capture rate, local road impacts, and cumulative traffic. These comments were based on a publicly circulated EA by the BIA and NIGC for the hotel and casino project. Many of the traffic comments received during the NOP comment period for this Draft EIR/EA were the same or similar comments submitted to the BIA and NIGC during the comment period on the EA. These comments were in no way related to the NOP information presented for this Proposed Project. The NIGC and BIA have reviewed these comments in light of the proposed hotel and gaming facility, revised the information accordingly, and issued a Final EA and FONSI for the hotel and casino project.

The traffic information provided in this Draft EIR/EA has, therefore, benefited from detailed public input provided during the previous NEPA process on the hotel and casino project, [as well as the BIA's effort to amend the Tribal Transportation Plan and include the roadway into the IRR](#). The traffic analysis presented in Section 6.3 of this Draft EIR/EA considers the detailed input provided during the NOP comment period, [as well as public input provided during the BIA's consideration of the amended Tribal Transportation Plan and inclusion of the roadway into the IRR](#).

2.2.5 Air Quality

As was the case for the traffic issue, a number of commenters presented a critique of the air quality information previously circulated for the EA prepared by the BIA and NIGC for the hotel and gaming facility. The detailed comments were not based on information presented in the NOP for the interchange project. The general category of issues raised during this NOP comment period included the need to analyze standard project specific and cumulative air quality emissions, asbestos emissions, and toxic air quality impacts.

The various detailed comments were considered by the NIGC and BIA in their drafting of the Final EA, which has been incorporated by reference into Chapter 9.0 of this Draft EIR/EA. Additionally, Section 6.4 of this Draft EIR/EA considered [ed testimony presented at the February 19th hearing conducted by the BIA regarding compliance with the mobile sources](#)

[budget, as well as](#) the general categories of comments made regarding air quality impacts of the interchange project.

2.2.6 Growth Inducement

Growth inducement comments were mainly focused on impacts that would result from the hotel and gaming facility project, as opposed to the interchange project. Chapter 6.0 of this Draft EIR/EA focuses on the growth inducement of the interchange project. A separate section within Chapter 9.0 addresses the indirect growth inducing effects of the hotel and casino project. This information is incorporated by reference from the Final EA (December, 2001) for the hotel and casino project.

2.2.7 Comments Received on the EIR/EA

[A Notice of Availability was mailed to interested people, agencies, and groups for availability of the Shingle Springs Interchange Draft EIR \(Appendix B\). The EIR comment period for the Draft EIR/EA was open from May 6, 2002 to June 20, 2002. The Draft EIR/EA was posted to the website of the California Department of Transportation, and the Draft EIR/EA was made available at the El Dorado County Library, El Dorado Hills Public Library, and mailed to people, agencies and groups requesting copies. In all, approximately 110 copies of the Draft EIR/EA were reproduced and distributed during the public comment period.](#)

[A public notice was mailed to people, agencies and interested groups regarding a Draft EIR/EA public comment meeting to be held on May 30, 2002 \(Appendix B\). The public comment meeting was held on May 30, 2002 in the community of Shingle Springs to provide environmental information to the public and to receive public feedback. Comments were received during the public comment period via e-mail, hand written comments, and a hearing transcript produced at the May 30th public comment meeting. Comments on the Draft EIR/EA were received from 51 parties prior to the close of the comment period. These comments are included within the Comments/Responses to Comments portion of this EIR/EA bound under a separate cover and available for review at the address listed in Section 1.4.4 of this EIR.](#)

2.3 Summary Of Environmental Impacts

Table 2-1 presents a summary of project impacts and proposed mitigation measures that would avoid or minimize potential impacts. In the table, the level of significance of each environmental impact is indicated both before and after the application of the recommended

mitigation measure(s). The following abbreviations have been used to identify the project alternatives:

Alternative A (AA): No Project/Action Alternative

Alternative B (AB): Flyover Design Interchange

Alternative C (AC): Diamond Design Interchange

For detailed discussions of all project impacts and mitigation measures, the reader is referred to environmental analysis sections in Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures.

2.4 Environmentally Superior Alternative

After reviewing the comparative impacts of all alternatives, the EIR concludes that the No Project/Action Alternative is the environmentally superior alternative. CEQA requires that should the No Project/Action Alternative be the environmentally superior alternative, the EIR must specify a development alternative which is environmentally superior to the other build alternatives (CEQA *Guidelines* Section 15126.6 (e) (2)). In this case, the EIR finds that Alternative B – Flyover Alternative Design is the environmentally superior alternative.

Alternative B would be located on the same site as Alternative C, which is the other interchange design alternative. As one can see from the attached summary tables, and the detailed analysis within Chapter 5.0, the comparative impacts of the two design alternatives are generally similar. However, Alternative C includes interchange intersections whereas Alternative B does not. This creates an added existing and cumulative traffic impact (6.3-3 and 6.3-7) for Alternative C when compared with Alternative B. In addition Alternative C would affect approximately 1.67 acres of mixed oak woodland, compared with approximately 1.1 acres for Alternative B. The visual alteration of the project area would be impacted less under Alternative B than Alternative C. This is due primarily to the more pronounced off- and on-ramps required under Alternative C. The undercrossing of the eastbound on-ramp and the at-grade westbound off- and on-ramps under Alternative B eliminates this added visual intrusion onto the surrounding viewscape. Lastly, the drainage inlet and culvert impacts associated with Alternative B are less than Alternative C. In summary, as noted in the summary tables and within Chapter 5.0 the magnitude of the transportation, biological, visual, and drainage impacts under Alternative B are less than Alternative C. Therefore, Alternative B is considered the environmentally superior build alternative.

Table 2-1, Summary of Environmental Impacts